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October 3, 2014

Environmental Health Bureau, Marcellus Shale Comments
Maryland Department of Health and Mental Hygiene
201 W. Preston Street, Room 327
Baltimore, MD 21201

Via electronic mail (dhmh.envhealth@maryland.gov)

Re: Comments of the Environmental Integrity Project on the University of Maryland School of Public Health report on the Potential Public Health Impacts of Natural Gas Development and Production in the Marcellus Shale in Western Maryland

To Whom It May Concern:

The Environmental Integrity Project (EIP) hereby submits comments on the University of Maryland School of Public Health report, "Potential Public Health Impacts of Natural Gas Development and Production in the Marcellus Shale in Western Maryland." The report admirably covers a wide range of topics and impacts for a large and complex industry, providing important details and recommendations for the Department of Health and Mental Hygiene to consider.

We provide three additional pieces of information that are pertinent to the report's recommendations on "Disclosure of Well Stimulation Materials" and "Air Quality" that either were not available during the time in which School of Public Health was compiling and analyzing data for the report or otherwise are potentially important additions to the report.

First, we have attached a recent report by EIP entitled "Fracking Beyond the Law." Using self-reported industry disclosures to the FracFocus database and federal records, the report finds that at least thirty-three oil and gas companies across twelve states used diesel fuels as part of their hydraulic fracturing ("fracking") fluids at 351 wells between 2010 and 2014. This use of diesel fuels in fracking fluids is in spite of repeated industry statements that operators no longer use diesel fuels for fracking. The use of such diesel fuels for fracking is a potential threat to drinking water supplies and public health because diesel fuels contain toxic chemicals such as benzene, toluene, ethylbenzene, and xylenes that cause cancer or other serious health problems.

As discussed in the report, while a technical consulting company was able to obtain and provide this information from FracFocus, there are a number of barriers preventing the average member of the public from obtaining this information, as well as a vast number of inconsistencies and a lack of transparency in the data. If oil and gas operators are to conduct fracking operations in Maryland, there must be a much better disclosure mechanism in place. We have attached the report and its raw data to these comments, and these documents are also available on the EIP website at: <http://environmentalintegrity.org/archives/6940>.

Second, on Monday, October 6, 2014, EIP will be sending, as follow-up on this report, a detailed letter to the U.S. Environmental Protection Agency and state regulators. The letter also uses data from FracFocus to find instances in which oil and gas operators used certain trade-name products that are known to contain diesel and finds that least thirty-five companies used such diesel-containing products in an additional 243 wells. Because the letter has not yet been sent, we provide a link to the EIP website on which the letter will be posted on Monday, October 6, 2014: <http://environmentalintegrity.org/news-and-reports>.

Third, we provide data that EIP submitted to EPA in early 2014, in which we examined state emissions inventories and the National Emissions Inventory to find large oil and gas facilities in six states—such as compressor stations, natural gas processing plants, and natural gas liquid fractionation facilities—that emitted toxic chemicals above the 10,000-pound reporting threshold of the federal Toxics Release Inventory (TRI). The emissions data not only shows the vast amount of toxic chemicals that large oil and gas facilities release, but also provides a strong basis for EPA to require the industry to report to the TRI.

The oil and gas extraction industry is not yet required to report to the TRI, as EPA has never added the industry to the list of industry sectors required to report. For this reason, EIP and sixteen local, regional, and national groups—including the Maryland organizations Chesapeake Climate Action Network and Citizen Shale—petitioned EPA in October 2012 to add the oil and gas extraction industry to the TRI. The TRI is a one-of-a-kind database that is free, easily accessible by the public, and across all environmental media of releases. In fact, the information reported to the TRI is exactly the sort of information Maryland and its communities should have before allowing the expansion of the oil and gas industry into the state. We have attached the data, its cover letter, and methodology to these comments, and these documents are additionally available on the EIP website at: <http://environmentalintegrity.org/archives/6334>. Our October 2012 TRI petition is also available on the EIP website at: <http://environmentalintegrity.org/archives/6615>.

Thank you for your attention to this important information. If you have any questions related to these items, please do not hesitate to contact me.

Sincerely,

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Attachments